



06 DEC 2006

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In re Application of :
DESARZENS et al. :
Application No.: 10/595,442 :
PCT No.: PCT/IB04/03684 :
Int. Filing Date: 10 November 2004 :
Priority Date: 10 November 2003 :
Attorney Docket No.: PUS-P001-042N :
For: PRECISION SPINDLE INSTRUMENT :
HOLDER FOR SURGICAL :
INSTRUMENT :

DECISION ON PETITION

This decision is issued in response to applicants' "Request Regarding Notification of Abandonment" filed 16 November 2006, which is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 10 November 2004, applicants filed international application no. PCT/IB04/03684 which claimed a priority date of 10 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 19 May 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 10 May 2006.

On 20 April 2006, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: an authorization to charge deposit account \$525; a copy of the international application, and a copy of a Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv) filed during the international phase.

On 10 October 2006, the United States Elected Office mailed a NOTIFICATION OF ABANDONMENT UNDER 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2).)

On 16 November 2006, applicants filed the present petition to withdraw the holding of abandonment.

DISCUSSION

The above-identified application was **ABANDONED** for failure to pay the full basic national fee 30 months from the priority date for international application PCT/IB04/03684. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 10 May 2006. On 20 April 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which gave an authorization to charge deposit account the basic national fee. Since the applicant gave authorization to charge any additional fees to deposit account no.50-2621, applicant should have been charged the basic national fee on 20 April 2006. Therefore, the payment of the basic national fee was timely and the Notification of Abandonment was mailed in error.

CONCLUSION

For the reasons above, the request is **GRANTED** and the Notification of Abandonment mailed 10 October 2006 is hereby **VACATED**. The holding of Abandonment is withdrawn.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.



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